

Wildlife Harboring: Issues and a Potential Process for Dealing with Issues
Paper prepared by PL/PW Council – June 8, 2009
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Issues:

Harboring can result on pressure on neighboring landowners to change their operation – such as pay to hunt – to make up for lost revenues due to impacts of ‘harbored’ elk on their lands. (As discussed by David Mannix.)

There are different personal values and financial considerations/reference points between landowners in the same vicinity.

The interconnected issues/impacts of this issue require interface/communication between ‘old’ landowners, ‘new’ landowners, sportsmen, Rocky Mountain Elk Foundation, FWP, others.

The ability of FWP to say ‘cows only’ in an area can be an incentive to stimulate discussion/change.

The use of FWP ‘hammers’ can have unintended consequences and therefore must be approached carefully.

There is a need to assess present and potential ‘hammers’.

Hammers should be last resort, after collaborative/dialogue steps have been taken .

The PLPW should consider how to best hear from landowners regarding their concerns/reasons for doing what they do.

One size does not fit all in terms of solutions, or with regard to how to structure dialogue in a specific setting/area.

It makes sense to initially examine options within existing FWP authority.

Good data is helpful, often foundational, for productive discussion/action

Documentation of the problem is highly important.

Definition: Harboring means the intentional or unintentional concentration of big game animals where traditional game management by hunting is not effective in achieving herd management objectives. Some impacts of harboring may include situations when neighboring land and/or landowners are harmed, and/or disease transmission or herd health (wildlife or domestic) become serious issues.

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Process:

- A predictable and fair process is needed to deal with this issue.
- When is such a process ‘triggered’?
- Based on what criteria?
- By whom? (FWP? A newly established Committee?)

Phase One: Facilitated Dialogue

- a. Discussion should be personal, one-on-one.
- b. Followed by a community-based dialogue of affected people/interests
- c. If options a or b are not successful, a local Harboring Committee would be established to use a *team approach*, working on *collaborative, voluntary solutions*.
- d. The local dialogue nature of this process suggests that FWP would need to commit an additional staff resource in support of this process to supplement normal staffing levels

Suggestion: Ensure that the right people with authority to make decisions are participating.

Suggestion: Ensure that the FWP Commission is kept informed throughout all phases.

Phase Two: Implementation of Phase One Solutions/Proposals

- a. Resources needed are committed.
- b. Staff resources needed are committed
- c. Local Harboring Committee continues (?)
- d. Secure needed funding, if any
- e. Monitor results over time to determine success or failure of efforts

Phase Three: Non-Voluntary Action or Sanctions

If Phases One and Two fail to develop agreement/solution, additional action is based on the principle of common law that private property rights do not include the right to impose harm on neighbors or the community. (Alternative wording: the public or important public interests.)

- a. Phase Three trigger:
 1. Specific Criteria
 2. Who decides? A person? A new commission/body? (Is new legal authority needed for this?)
 3. Alternatives for action
 - a. Use or develop tools under existing authority
 - b. Develop new tools
 4. Monitor results over time to determine success or failure of efforts

Suggestion: That the new PLPW establish a Working Group to engage diverse interests to discuss these ideas.